

04-12122-JLT 9-2-05  
Received in Clerk's Office - USDC  
9/6/05

To: Tony Anastas - Clerk of Court

From: Fredrick J Bush # 20903  
26 Long pond Rd., C-1, 123  
Plymouth, Mass., 02360

Dear Mr. Anastas:

I am in a bad situation  
as I don't know the procedure to  
file for Certificate of Appealability.

I have written to Legal Services  
here and requested the 28 U.S.C.  
Sec. 2253; Local Rule 22.1(b). as  
directed in "order of Court" docu-  
ment. Legal has not come to see  
me, did not send the Rules requ-  
ested above its been 5 days  
gone by since I recieved this  
on 8-27-05. I am frustrated,  
am asking if you could send  
the appropriate forms, Rule's and  
procedures to file for this Cert-  
ificate. Also I don't know what  
transcripts are needed as they  
have all been done except for  
the trial. there is in State  
Court 2 Danger hearings, 2 motions

— to Suppress, Grand Jury minutes.

I'm hoping the Court (Fed Court) has these already, is not please let me know so I can put them on the order form. And I asked for application to file (forma Prop-eris) and I haven't recieved any help here at all please send the proper fites application if you can.

I'm trying to Comply with these rules, procedures, but I have no book's or files to View, Legal is Vexing me here, and I've been denied Counsel by your Court as well, I am dismayed and afraid I will be discarded as the State Court did because I didn't send a copy of my State petition to the District Attorney, or that's what I think because I did Alert my Trial Judge Hinkle to the Federal Question in more than grand fashion. Any Assistance, forms directions you can give will be So Very much Appreciated.

Sincerely Fred Rush

# UNITED STATES COURT OF APPEALS

## FOR THE FIRST CIRCUIT

No. 05-2260

FREDRICK J. BUSH

Petitioner - Appellant

v.

JOSEPH D. MCDONALD, Sheriff of Plymouth County

Respondent - Appellee

ORDER OF COURT  
Entered: 8/26/05

This court has docketed petitioner-appellant's appeal from the denial of his petition for writ of habeas corpus under 28 U.S.C. Sec. 2254. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. Sec. 2253. A request for a certificate of appealability must first be sought in the district court. See Local Rule 22.1(b).

It does not appear that petitioner-appellant has filed a request for a certificate of appealability in the district court. Accordingly, we direct petitioner-appellant to apply for a certificate of appealability from the district court forthwith. We further order petitioner-appellant to file a status report in this court by 9/26/05, and every thirty days thereafter, informing us that he has applied for a certificate in the district court and advising us of the status of that application. We further order petitioner-appellant to inform us immediately once the district court reaches a decision on the application for a certificate.

If a status report is not filed by 9/26/05, and at thirty-day intervals thereafter, this appeal may be dismissed for want of diligent prosecution.

*I need to know how to file for certificate, and about status-reports. ?*

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By \_\_\_\_\_  
Chief Deputy Clerk

*Legal Service here has denied me any assistance for a week now.*

To: Fredrick J. Bush